

REMARKS

Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Examiner's Action of April 18, 2007 be extended 3 months, from July 18, 2007 to October 18, 2007.

Authorization to charge a Credit Card is given to cover the extension fee. The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 19-5425.

In the Office Action, the Examiner indicated that claims 1 through 20 are pending in the application and the Examiner rejected all claims.

Objections to the Drawings

On page 2 of the Office Action, the Examiner objected to Figures 1 and 2 as not being appropriately provided with descriptive text labels. As discussed above, replacement Figures 1 and 2 are attached herein. The Examiner is respectfully requested to reconsider and withdraw the objections to Figures 1 and 2.

Claim Objections

On page 2 of the Office Action, the Examiner objected to claims 1, 2, 9, 11, 12 and 19 as referring to "said one or more connection nodes". As suggested by the Examiner, claims 1, 2, 9, 11, 12 and 19 have been amended to read "said one or more wireless connection nodes". The Examiner is respectfully requested to reconsider and withdraw the objection to claims 1, 2, 9, 11, 12 and 19.

Claim Rejections, 35 U.S.C. §§ 102 and 103

On page 3 of the Office Action, the Examiner rejected claims 1-3 and 11-13 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,993,290 to Gebis et al. ("Gebis").

On page 4 of the Office Action, the Examiner rejected claims 4-10 and 14-20 under 35 U.S.C. §103(a) as being unpatentable over Gebis in view of U.S. Patent No. 4,765,753 to Schmidt.

The Present Invention

The present invention is a dedicated wireless data connection to the Internet (e.g., via cellular access technology) through which digital broadcasts are streamed to mobile receiving devices. Streaming content is automatically pre-specified based upon the geographic location of a transmitting node. Specifically, claim 1 recites:

providing one or more wireless connection nodes in a geographically defined receiving area; delivering to said one or more wireless connection nodes only content selected by an operator of said one or more wireless connection nodes wherein said content is specific to said geographically defined receiving area (claim 1, lines 3-7)

By pre-specifying content based upon geographic location, content providers are provided with the ability to sell time to localized advertisers and assure the advertisers their content will reach local listeners. For example, a hand-held mobile device of the present invention will receive content specific to the Philadelphia region when connected to communication nodes in the Philadelphia area. The same hand-held mobile device will receive content specific to the Chicago region when connected to communication nodes in the Chicago area without any customization by the user.

U.S. Patent No. 6,993,290 to Gebis et al.

U.S. Patent No. 6,993,290 to Gebis et al. ("Gebis") teaches a content delivery system that allows a user to predefine preferences that are used to filter content for delivery to the user. The system includes a content database for storing content, a receiver for receiving information relating to a user's personal profile including content preferences, a content controller for selecting content from the database according to the user's content preferences, and all necessary circuitry for transmitting the content to a user.

U.S. Patent No. 4,765,753 to Schmidt

U.S. Patent No. 4,765,753 to Schmidt teaches a system for transferring cellular based communication (e.g., a cellular call) from a first cell to a second cell when a mobile device moves from the first cell to the second cell. The system includes using a series of repeated transmission channels throughout each cell for transferring one cellular call from a first cell to a second cell on the same channel, resulting in a seemingly seamless transfer to a user. The Examiner relies on Schmidt to teach transmitting a unique spreading code for a plurality of stations.

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

The Examiner Has Not Established a *Prima Facie* Case of Anticipation

As noted above, the present claimed invention includes delivering content to a user based upon a geographically defined area. This allows content providers to include localized advertising in the delivered content specific to the geographic areas where the content is being delivered. It also simplifies the interaction required from a user to obtain local data as the content provided to the user is geographically dependent and requires no customization from the user. This feature of delivering content to a user based upon a geographic location of the user is one feature that defines the present invention as novel over the prior art.

Gebis teaches a system for content delivery based upon a user's preferences. A user can customize their content preferences to include news and sports, and the system of Gebis will filter the content delivered to that user to include only news and sports. Gebis, however, is silent on the idea of delivering content to a user based upon a geographic location of the user. Rather, Gebis utilizes a centralized database of content for delivery to all users, regardless of geographic location. The only content filtering done in Gebis is based upon a user-customized preference and is completely independent of geographic location.

Without a teaching of delivering content to a user based upon a geographic location of the user, each of the independent claims (claims 1 and 11), and all claims depending therefrom, patentably define over Gebis. The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-3 and 11-13 under 35 U.S.C. §102(e) as being anticipated by Gebis.

The Examiner Has Not Established a *Prima Facie* Case of Obviousness

As set forth in the MPEP:

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.

MPEP 2143

The Examiner relies upon Schmidt for an alleged teaching of transmitting a unique spreading code for a plurality of stations. Schmidt teaches a system for transferring cellular calls seamlessly from one cell to another cell. Schmidt, however, is unconcerned with the delivery of customizable content. Rather, the entire focus of the disclosure of Schmidt is directed toward transferring a cellular call from one cell to another. No disclosure is made by Schmidt regarding delivering content to a user based upon a geographic location of the user as is claimed in the present invention. As such, the addition of the teachings of Schmidt to those of Gebis do not overcome the deficiencies of Gebis as discussed above, specifically, delivering content to a user based upon a geographic location of the user. Therefore, the present invention is non-obvious over the prior art of record and the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 4-10 and 14-20 under 35 U.S.C. §103(a) as being unpatentable over Gebis in view of Schmidt.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

Respectfully submitted,

October 17, 2007
Date

/John R. Brancolini/
John R. Brancolini
Registration No. 57,218

SYNNESTVEDT & LECHNER LLP
1101 Market Street
Suite 2600
Philadelphia, PA 19107

Telephone: (215) 923-4466
Facsimile: (215) 923-2189